IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA EASTERN DIVISION

Case No. 4:98-CR-00013-M-1

TERRANCE LAMONT MOORE,)		٠.
Petitioner,)	1	
v.	,),		ORDER
UNITED STATES OF AMERICA,)		e d
Respondent.)		

This matter is before the court on the Defendant's Motion to Amend Restitution Order and Change Plea Pursuant to the All Writs Act (Writ of Audita Querela). DE 216. The Petitioner moves this court to (1) change his plea from "not guilty" to "guilty" and (2) to amend the order of restitution to comply with the Mandatory Victim's Restitution Act ("MVRA") and require quarterly payments in the amount of \$25.00 via the Bureau of Prison's Inmate Financial Responsibility Program ("IFRP"). *Id.* at 4–5.

First, this court cannot change a Defendant's plea after sentencing. See, e.g., United States v. Miles, 181 F. App'x 352, 354 (4th Cir. 2006) ("Under Rule 11(e), a defendant cannot withdraw a plea after sentence is imposed, and the plea can only be attacked on direct appeal or collateral attack."). Therefore, the Defendant's motion is DENIED IN PART as to the request to change his plea.

Second, the parties are ORDERED to provide supplemental briefing on the Petitioner's pro se motion to amend the order of restitution. The parties are ordered to brief whether or not the court should grant the Petitioner's requested relief and its authority to do so. Opening briefs shall

be filed on or before Tuesday, June 20, 2023. Response briefs shall be filed on or before Friday, July 7, 2023.

SO ORDERED this _____ day of June, 2023.

RICHARD E. MYERS II

CHIEF UNITED STATES DISTRICT JUDGE

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